

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. 1:09-CR-0211
	:	
v.	:	(Judge Conner)
	:	
ROBERT L. NELSON,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 15th day of January, 2010, upon consideration of defendant's *pro se* motion (Doc. 64) to remove his court-appointed counsel, John F. Yaninek, Esquire ("Attorney Yaninek"), and upon further consideration of the proceedings held before the court on January 12, 2010 regarding the same, and it appearing that irreconcilable conflicts have arisen between defendant and Attorney Yaninek,¹ see 18 U.S.C. § 3006a(c) ("[T]he court may, in the interests of justice, substitute one appointed counsel for another at any stage of the proceedings."); United States v. Welty, 674 F.2d 185, 188 (3d Cir. 1982) (identifying "a complete breakdown in communication" or "an irreconcilable conflict with [one's] attorney" as cause for appointing substitute counsel); see also PA. RULES PROF'L CONDUCT R. 1.7, 1.16; UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA, CRIMINAL JUSTICE ACT PLAN at 8 (2005), it is hereby ORDERED that:

¹ The court is unaware of any deficiencies in Attorney Yaninek's representation of defendant in this matter. Without crediting the allegations that defendant puts forth in support of his motion, (see Doc. 64), which Attorney Yaninek denies, (see Doc. 66), the court concludes that the attorney-client relationship is irretrievably broken.

1. Defendant's motion (Doc. 46) to remove Attorney Yaninek as counsel is GRANTED.
2. The appointment of John Yaninek, Esquire, as counsel for defendant in the above-captioned case is TERMINATED.
3. Jeffrey A. Conrad, Esquire, 408 West Chestnut Street, P.O. Box 1766, Lancaster, Pennsylvania 17608-1766, telephone number (717) 299-7101, is appointed to represent defendant in the above-captioned case.
4. The Clerk of Court is directed to forward all necessary materials to Jeffrey Conrad, Esquire, as soon as possible.
5. John Yaninek, Esquire, is directed to provide to Jeffrey Conrad, Esquire, the file in the above-captioned case as soon as possible.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge